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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,089	11/14/2000	ALLEN D BAKER	10002104-1	3410

22879 7590 06/16/2004

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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

OSMAN, RAMY M

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 06/16/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/713,089

Applicant(s)

BAKER, ALLEN D

Examiner

Ramy M Osman

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/22/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. This communication is responsive to the amendment filed on March 22, 2004 where applicant cancelled claims 1-20 and added new claims 21-48. Claims 21-48 are pending. The rejections cited are as stated below.

Specification

2. The disclosure is objected to because of the following informalities:

Page 1, paragraph 1 line 2, change "providing redirecting clients" to "providing redirecting of clients".

Appropriate action is required.

Claim Rejections - 35 USC § 103

3. The disclosure is objected to because of the following informalities: The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 21-48 rejected under 35 U.S.C. 103(a) as being unpatentable over DeBettencourt et al. (U.S. Patent No. 6,279,001) in view of Mayhew (U.S. Patent No 5,933,596).

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5. In reference to claim 21, DeBettencourt teaches a method for supplying information (see Abstract), comprising the steps of:

distributing a plurality of information objects across a plurality of servers (Abstract, column 3 lines 40-67 and column 4 lines 19-32).

DeBettencourt fails to explicitly teach providing a redirection object for each information object, and wherein each information object includes an indirect link to another information object, each indirect link to an information object being a link to a redirection object for that information object. However, Mayhew teaches web objects on a server with replicated objects on alternate servers for providing means for improving performance of accessing web sites (column 2 lines 12-45 and column 4 lines 24-64).

It would have been obvious for one of ordinary skill in the art to modify DeBettencourt by linking web objects to corresponding web objects on alternate server as per the teachings of Mayhew for redundancy purposes and for providing means for improving performance of accessing web sites.

6. In reference to claim 22, DeBettencourt in view of Mayhew teach the method of claim 21 above, further comprising:

DeBettencourt fails to explicitly teach a first server presenting a first information object of the plurality of information objects to a client terminal; receiving a request for a second information object of the plurality of information objects from the client terminal, the request corresponding to a selection of the indirect link included in the first information object; determining if a second server hosting the second information object is operational; and

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returning an instruction redirecting the client terminal to the second information object if the second server is determined to be operational.

However, Mayhew teaches providing a first web object to a user requestor, receiving a request for another web object from the user – with the request corresponding to a link in the first web object, determining the status of a second server, and redirecting the user request for the another web object to the second server if its status is operational. Mayhew teaches replicating web objects on alternate servers and redirecting requests to the alternate servers for the purpose of providing means for improving performance of accessing web sites (column 2 lines 12-45, column 4 lines 24-64 and column 5 lines 20-67).

7. In reference to claim 23, DeBettencourt in view of Mayhew teach the method of claim 22 above. DeBettencourt teaches transmitting an error/sorry page if a server is unavailable (column 7 lines 35-67).

DeBettencourt fails to explicitly teach returning an error message to the client terminal if the second server is determined to be unavailable. However, Mayhew teaches determining that a second alternate server is not available and processing request information as it is done in prior art - in this case DeBettencourt (column 5 lines 20-67).

It would have been obvious for one of ordinary skill in the art to modify DeBettencourt by determining the status of a second server and if the server is not available then processing the information as in prior art (DeBettencourt) as per the teachings of Mayhew so that if the second alternate server is unavailable then the user is notified as such.

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8. In reference to claim 24, DeBettencourt teaches method of Claim 23, wherein returning an error message includes directing the client terminal to an error handling object (column 6 lines 44-67 and column 7 lines 35-67, DeBettencourt discloses either redirecting a request to another server or to an error handler).
9. In reference to claim 25, DeBettencourt teaches the method according to claim 24 wherein the error-handling object includes an error message (column 7 lines 35-67, DeBettencourt discloses issuing an error/sorry message).
10. In reference to claim 26, DeBettencourt teaches the method according to Claim 24, wherein the error handling object includes a redirection command (column 6 lines 44-67 and column 7 lines 35-67, DeBettencourt discloses redirecting the request).
11. In reference to claim 27, DeBettencourt teaches the method according to method of Claim 22, wherein determining comprises maintaining a centralized status of each server and inspecting the centralized status to determine the availability of the second server (column 2 lines 5-55, column 7 lines 5-67 and column 8 lines 45-50, DeBettencourt discloses maintaining server status through a manager and interceptor, and determining availability of servers).
12. In reference to claim 28, DeBettencourt teaches the method according to Claim 27, wherein maintaining comprises periodically updating a status of each of the servers (column 7 lines 13-20 and column 8 lines 27-45, DeBettencourt discloses periodically receiving status information of the servers).
13. In reference to claim 29, DeBettencourt teaches the method according to Claim 28, wherein updating includes pinging the servers (column 6 lines 14-43 and column 19 line 55 – column 20 line 25, DeBettencourt discloses sending a ping message for server status).

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14. In reference to claim 30, DeBettencourt teaches the method according to Claim 21, wherein each information object and each redirection object includes a web page (column 4 lines 5-55, DeBettencourt discloses where the requested information is a webpage).

15. Claims 31-48 do not define any new limitations above claims 21-30 and are therefore rejected for the above mentioned reasons.

Response to Amendment

16. The examiner acknowledges the cancelled claims 1-20 and the new claims 21-48 filed on 3/22/2004.

17. Applicant submitted drawing corrections for figure 4 and thus the examiner withdraws the objection to the drawings.

Response to Arguments

18. Applicant's arguments with respect to newly added claims 21-48 have been considered. A response to the remarks will not be given because they are moot in view of the new ground(s) of rejection.

Applicants request for allowance is respectfully denied based on the newly cited art above.

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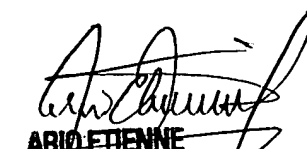
19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M Osman whose telephone number is (703) 305-8050. The examiner can normally be reached on Monday through Friday 9AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 305-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

RMO
June 6, 2004


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100